



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 10, 2007

Dr. Roy E. Crabtree
Regional Administrator
Southeast Regional office
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

Subject: EPA NEPA Review of NOAA FSEIS for Amendment 27 to the Reef
FMP and Amendment 14 to the Shrimp FMP (Amendment 27/14);
Gulf of Mexico Fishery Management Council; Gulf of Mexico;
(June 2007); 0648-AT87; CEQ# 20070321; ERP# NOA-E91018-00

Dear Dr. Crabtree:

Consistent with the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration /National Marine Fisheries Service (NOAA/NMFS) Final Supplemental Environmental Impact Statement (FSEIS) for Amendments 27 and 14 prepared by the Gulf of Mexico Fishery Management Council (Council). This joint amendment evaluates "...long-term measures to reduce the red snapper fishing mortality rates of the directed red snapper fisheries, shrimp fishery, and other reef fish fisheries." The purpose of the supplement is to revise the current rebuilding plan (which page vii of the FSEIS indicated that the District Court ruled was based on flawed assumptions) and to update the interim management measures implemented by NMFS in 2007. EPA provided comments on the Draft SEIS (DSEIS) in a letter dated May 22, 2007.

EPA supports the restoration of the Gulf of Mexico (GOM) red snapper fishery through implementation of control measures within the red snapper fishery as well as controls within the GOM shrimp fishery. We believe this dual approach to fishery management is essential in this case since many red snapper juvenile mortalities occur as bycatch during shrimp trawls.

A general NOAA/NMFS response to our comments on the DSEIS was provided in Appendix G of the FSEIS. Responses to the numerous other public comments were also provided and grouped by subject. We continue to support Amendments 27 and 14 from an overall red snapper recovery standpoint and defer to NOAA/NMFS and the Council on fishery specifics. However, we offer the following final comments on some of the eight actions proposed:

* Action 1 (Rate of Recovery) – We wish to emphasize that the total allowable catch (TAC) be set at a level that promotes a rapid rate of recovery for the red snapper resource, without unreasonable societal impacts.

* Action 2 (Hurricane Effects) – EPA continues to prefer a conservative approach (No Action: Alternative 1) in setting the TAC by not taking any credit for reduced fishing effort and landings during Hurricanes Katrina and Rita. This approach is consistent with our above comments for Action 1 to expedite snapper recovery since a larger stock could survive (and reproduce) because a smaller TAC would be established.

* Action 3 (Bag Limits) – EPA appreciates the clarification of the purpose of Action 3, both in the response (pg. G-1) and portions of the text (pg. x, but not pg. xvii for Table c). We understand that the preferred alternative for Action 3 “...would prohibit the captain and crew of a for-hire fishing vessel from keeping a bag limit of red snapper when conducting a for-hire trip.” However, further clarification would have been helpful to the public reviewer. Without a bag limit, it is unclear how the catch of the for-hire vessels would be regulated. That is, would for-hire vessels be considered commercial or recreational, be subject to the TAC quota, be only a catch-and-release operation, be subject to other regulations such as the size and hook limitations set in Actions 4 and 5, etc.?

* Action 4 (Minimum Size Limits) – Our request for information regarding the size of first maturity for red snapper (and to compare that size to the 13-inch TL size restriction relative to number of spawning seasons that can be expected before harvesting) was not addressed in Appendix G responses to EPA comments on the DSEIS. If perhaps already addressed in the DSEIS or elsewhere in the responses to other public comments, a reference to that section or comment number would have been appropriate in the response to EPA comments.

* Action 5 (Fishing Gear) – NOAA/NMFS and EPA agree on the value of using circle hooks instead of J-hooks to minimize injury to regulatory discards returned to sea. Beyond such benefit, however, regulating the size of the circle or J-hooks (i.e., minimum hook size addressed in Alternative 3 of Action 5) would further reduce injury since the capture and surfacing of undersized snapper (which may die as regulatory discards) could be greatly reduced by coordinating hook/mouth size with the total length (TL) of legal-sized fish. Because there reportedly is no standardization of circle hook size within the industry, we are pleased to note that NOAA/NMFS has discussed the issue with the hook manufacturers. We would encourage NOAA/NMFS to continue its discussions with vendors in this regard.

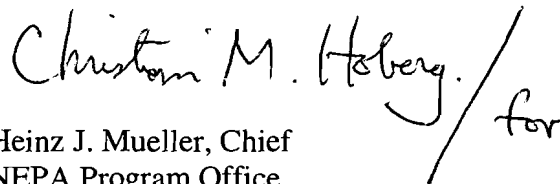
* Action 6 (Bycatch Reduction) – Because improved bycatch reduction devices (BRDs) were not addressed in the responses to EPA comments, it is unclear if our recommendations were incorporated in the FSEIS. Our requests for discussion are re-stated as follows:

- * the function of the improved BRDs as it relates to reducing the bycatch of juvenile red snapper (how do BRDs reduce juvenile snapper bycatch?),
- * any BRD effects on reducing the catch of target shrimp (are significant numbers of commercial shrimp also released through the BRDs along with the juvenile snapper?),
- * the post-trawl survival rate of entrained but bypassed snapper juveniles (do the bypassed snapper typically survive the trauma of being entrained in the trawl after being released through the BRDs?).

Regarding the latter, if survival is not significantly improved over bycatch mortalities, recovery of the red snapper stocks would not be significantly improved for the juvenile component of this management approach. We suggest that the NOAA Record of Decision (ROD) address these issues and any possible research on these topics.

EPA appreciates the opportunity to review this FSEIS. If you have questions regarding our comments, please contact Chris Hoberg of my staff at (404) 562-9617 or hoberg.chris@epa.gov.

Sincerely,

Handwritten signature of Christon M. Hoberg, followed by a diagonal line and the word "for".

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Dr. Rodney F. Weiher – NOAA NEPA Coordinator: Silver Spring, MD